

1 Your Name: Eric Reisner  
 2 Address: 30 Lone Pine Trail  
 3 Old Lyme, CT 06371  
 4 Phone No.: 206-414-0092  
 5 E-mail: eric@coliseumco.com

6 Pro Se Defendant

**FILED**

**JAN 29 2018**

SUSAN Y. SOONG  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 Division [check one]: ☐ San Francisco ☒ Oakland ☐ San Jose ☐ Eureka

13 Carl Alexander Wescott

15 Plaintiff,

16 vs.

17 Eric Reisner and

18 Kerry Condon

21 Defendant.

Case Number: CV 17 6271

**ANSWER**

Check only if you include a Counterclaim or  
 Crossclaim:

☐ **AND COUNTERCLAIM**

☐ **AND CROSSCLAIM**

DEMAND FOR JURY TRIAL [check one]

☐ Yes

☒ No

Judge: Hon. Donna M. Ryu

**1. Responses to the Claims in the Complaint**

Each paragraph of the Complaint should be numbered. Read each paragraph carefully.

- If everything in the paragraph is **false**, do not write that paragraph number anywhere. The first paragraph of this Answer denies everything that is not specifically admitted.
- If everything in the paragraph is **true**, write that paragraph number in Section B, below.
- If you **don't know** whether the paragraph is true or not, write that paragraph number in Section C, below.
- If the paragraph is **partly true and partly false**, write that paragraph number in Section D below and explain which specific parts of the paragraph are true.
- Use more pages if needed.

ANSWER  
 CASE NUMBER CV 17 6271

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[JDC TEMPLATE – Rev. 2017]

1 A. Defendant **denies** each and every allegation in the Complaint except those  
2 specifically admitted in this Answer.

3 B. Defendant **admits** all of the allegations in the following paragraphs:  
4 1, 2, 15, 24, 32,  
5

6 C. Defendant **does not know** or have enough information to form a belief as to whether  
7 the allegations in the following paragraphs are true:  
8 9, 13, 27, 28, 36,  
9

10  
11 D. Defendant **admits only parts** of each paragraph below, and denies or does not know  
12 enough to say whether the rest of the paragraph is true. *[Use more pages if needed]:*

13 Paragraph 3: I admit only that Kerry Condon works in Cambridge, MA and we  
14 were previously married.  
15

16  
17 Paragraph 7: I admit only that Eric Reisner was to develop one property in  
18 Nicaragua. Reisner had full legal control over subject property.  
19

20  
21 Paragraph 14: I admit only that (a) is accurate  
22 (b) was a draw and to be put against the expenses of the project.  
23 (c) should have no reference to a loan. Only that 10% of profits would be paid out.  
24

25 Paragraph \_\_\_\_: I admit only that \_\_\_\_\_  
26  
27  
28

**2. Affirmative Defenses**

*State any factual or legal reasons that the Plaintiff cannot win all or part of this case. Provide enough detail so the Plaintiff and Court will understand your defense. Look at the instruction sheet of this form for examples. If you are not sure about your defenses, make an appointment at the Legal Help Center. Use more pages if needed.*

Affirmative Defense 1. Kerry Condon, Other than being my wife at the time, had no involvement regarding these business matters (before, during or after). Her involvement was strictly related to how the demise of my and Carl Wescott's business relationship effected our family and remained strictly related to our family and those decisions. Thus, Kerry should be removed as a defendant.

Affirmative Defense 2. Running of the Statute of Limitations

Affirmative Defense 3. Waiver and Estoppel

Affirmative Defense 4. Unclean Hands

Affirmative Defense 5. Laches



*If you need more space to write your Answer or claims, use this page.*

**2. Affirmative Defenses - Continued**

**6. Failure to Mitigate Damages**

**7. Prevention of Performance**

**8. Failure of Condition Precedent**

**9. Breach by Plaintiff**

**10. Anticipatory Repudiation**

**11. Offset**

**OPTIONAL: Counterclaim against the Plaintiff**

*A counterclaim is a claim you may have against the Plaintiff for actions that are related to same events or facts as those stated in the Complaint. To make a counterclaim, first write in the name of the Plaintiff against whom you are making a claim. List the type of claim you are making or the law that the Plaintiff violated. Then, starting with paragraph 3, write in the facts of your claim, using more pages as needed. For more information about making a counterclaim, make an appointment at the Legal Help Center.*

**Counterclaim Against** [name] **For** [type of claim or the law Plaintiff violated]

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

**OPTIONAL: Crossclaim against another Defendant**

*A crossclaim is a claim you may have against another Defendant in this case, or against someone else who is not yet part of the lawsuit. The crossclaim must be related to the same events or facts as those stated in the Complaint. To make a crossclaim, first write in the name of the Defendant against whom you are making a claim. List the type of claim you are making or the law that the Defendant violated. Then, starting with paragraph 3, write in the facts of your claim, using more pages as needed. For more information about making a crossclaim, make an appointment at the Legal Help Center.*

**Crossclaim Against** [name] \_\_\_\_\_ **For** [type of claim or the law the Cross-defendant violated] \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

**Demand for Relief**

WHEREFORE, Defendant demands:

- ☒ That the Court enter judgment dismissing the Complaint;
- ☒ That Defendant be awarded costs incurred;
- ☒ That Defendant be awarded such other and further relief as the Court may deem just;
- ☐ [If you filed a counterclaim or crossclaim, explain what you would like the Court to do]:

☐ Other [explain]: \_\_\_\_\_

**Demand for Jury Trial**

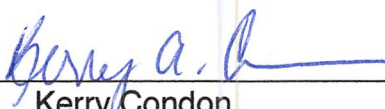
Check one box to show whether you would like a jury to decide your case, if allowed.

- ☐ Yes
- ☒ No

If more than one Defendant is included in this Answer, each must sign and date below. Attach another page if you need to.

Respectfully submitted,

Date: 1-27-2018

Signature:   
Printed name: Kerry Condon

Pro Se Defendant

ANSWER  
CASE NUMBER CV 17 6271

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[JDC TEMPLATE – Rev. 2017]



**Demand for Relief**

WHEREFORE, Defendant demands:

- ☒ That the Court enter judgment dismissing the Complaint;
- ☒ That Defendant be awarded costs incurred;
- ☒ That Defendant be awarded such other and further relief as the Court may deem just;
- ☐ [If you filed a counterclaim or crossclaim, explain what you would like the Court to do]:

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☐ Other [explain]: \_\_\_\_\_

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**Demand for Jury Trial**

Check one box to show whether you would like a jury to decide your case, if allowed.

- ☐ Yes
- ☒ No

If more than one Defendant is included in this Answer, each must sign and date below. Attach another page if you need to.

Respectfully submitted,

Date: 1-27-2018

Signature: 

Printed name: Eric Reisner

Pro Se Defendant



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

2017 DEC -5 PM 2:15

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND

CARL ALEXANDER WESCOTT

Plaintiff(s)

v.

Case No. 17-cv-06271-DMR

ERIC REISNER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Eric Reisner Kerry Condon  
30 Lone Pine Trail 150 Broadway  
Old Lyme, CT 06371 Cambridge, MA 02142

RECEIVED PAPERS  
12/29/17  
(WITHOUT THIS PAGE)

RECEIVED  
1/24/18

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

**Carl Alexander Wescott**  
PO Box 190875  
San Francisco, CA 94966

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF



Susan Y. Soong

V. K. Yano

Signature of Clerk or Deputy Clerk

Date: 12/1/2017

**CERTIFICATE OF SERVICE**

*\*You must serve each document you file by sending or delivering to the opposing side. Complete this form, and include it with the Answer that you file and serve.\**

1. **Case name** [write Plaintiff's name on the first line, and your name on the second line]:

Caarl Alexander Wescott Eric Reisner and Kerry Condon

v.

CV 17 6271

2. **Case number:**

3. **Document served:** Answer [if you added a claim of your own, check the box for that claim]

☐ Counterclaim

☐ Crossclaim

4. **How was the Answer served?** [check one]

☒ Placed in U.S. Mail

☐ Hand-delivered

☐ Sent for delivery (e.g., FedEx, UPS)

☐ Sent by fax (if the other party has agreed to accept service by fax)

5. **To whom was the Answer sent?** [For each person you sent the document, write their full name and contact information used.]

Carl Wescott

PO Box 190875

San Francisco, CA 94966

1/27/2018

6. **When was the Answer served?**

7. **Who served the Answer?** [Whoever puts it into the mail, faxes, delivers or sends for delivery should sign, and print their name and address. You can do this yourself.]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signature:

Eric Reisner

Name:

30 Lone Pine Trail

Address:

Old Lyme, CT 06371